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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,777	01/22/2004	Rickey Martins		6115

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,777

Applicant(s)

MARTINS, RICKEY

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 9-11, "the length taken up by the first and second packages along the extension is about the depth of the first package" does not appear to be accurate or exactly reflect what the apparatus actually comprises, as the "length taken up by the first and second packages along the extension" is only the thickness of two backings.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittner (Figure 4) (3,307,693). Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Damuth (3,861,528). Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer (4,042,095) Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Torongo (4,058,220). Each discloses an apparatus comprising a base (9; 30; 13; 11; respectively), an extension (8; 32; 12;

12) attached to the base, a first package having an enclosure (11; 20, 22; 22; blister packaging) attached to a backing (10; 10; 21; 14), and a second similar package, and wherein the packages **can** be placed on the extension (as in Figure 4; as in Figure 4 and as described at column 3, line 61 through column 4, line 12; as in Figure 2; as in Figure 1), so that their enclosures are adjacent and the length taken up by the packages together is about the depth of the first package.

As to claim 2, Bittner, Damuth and Torongo each disclose the length along the extension approximately equal to the depth of the first package and the depth of the backing of the second package.

As to claim 3, each discloses the packages disposed on the extensions so that they will not freely rotate when located thereon.

As to claim 4, Torongo discloses an elongated extension and the backing having an elongated opening (at 15).

5. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittner. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Damuth. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Torongo. The structure of Bittner, Damuth, Sawyer and Torongo has been explained above. To merely form the structure defined by any of these prior art references is also disclosed by those references.

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6. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Damuth (3,861,528). Disclosed is a method comprising forming a package having an enclosure (20, 22) attached to a backing (10), the package having a top and a bottom, forming a first slot (12) in the top, forming a second slot (14) in the bottom, and creating a hook (32).

As to claims 7 and 8, Figure 4 discloses hanging the hook (32) on a wall (30) and hanging the package on the hook.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torongo in view of Damuth. Torongo discloses a method comprising forming a package having an enclosure (blister packing) attached to a backing (14), the package having a top and a bottom, forming a slot (15) in the backing and creating a hook (12). Damuth discloses forming a first slot (12) in the top and forming a second slot (14) in the bottom of a package backing. To modify Torongo employing the two slot teaching of Damuth would have been obvious in order to allow display of the package with either end up, as suggested by Damuth.

As to claims 7 and 8, Figure 1 of Torongo and Figure 4 of Damuth disclose hanging the hook (12; 32) on a wall (11; 30) and hanging the package on the hook.

9. Claims 5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 9 and 11 above, and further in view of one of Larson (3,483,995), Larson (3,638,801), Hoefkes (5,026,011) and Hardy (5,855,282). Each of the newly cited references discloses an extension (40; 100; Figure 1; 24; respectively) that projects downwards from the base and gradually curves upwards, with both Larson references and Hoefkes disclosing an elongated cross section of the extension. To modify the extension of the structure of any one of Bittner, Damuth, Sawyer and Torongo employing the extension arrangement of any one of Larson, Larson, Hoefkes and Hardy would have been obvious in order to derive the disclosed extension advantages of any one of Larson, Larson, Hoefkes and Hardy for the packages and extension arrangement of any one of Bittner, Damuth, Sawyer and Torongo.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Seyer references disclose an arrangement whereby the package is not rotatable on the hook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571)

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272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryon P. Gehman
Primary Examiner
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BPG